

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**BONNIE A. BERGLEY,**

Plaintiff,

v.

**COMMISSIONER OF  
SOCIAL SECURITY,**

Defendant.

**FILED**  
DEC 12 2005  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
EASTERN MICHIGAN

Case No. 04-72482  
Hon. Bernard A. Friedman



**MEMORANDUM OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Wallace Capel, Jr.'s Report and Recommendation dated October 18, 2005. No objections were filed.

This Court has had an opportunity to fully review this matter and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons.

ACCORDINGLY:

IT IS HEREBY ORDERED that Magistrate Judge Wallace Capel, Jr.'s Report and Recommendation dated October 18, 2005, is hereby accepted and adopted.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment is denied.

IT IS FURTHER ORDERED that defendant's motion for summary judgment is granted and judgment entered for Defendant Commissioner.

**DEC 12 2005**

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Detroit, Michigan

  
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BERNARD A. FRIEDMAN  
CHIEF JUDGE

I hereby certify that a copy of the foregoing document was served this date upon counsel of record electronically and/or via first-class mail.

  
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Patricia Foster Hommel  
Secretary to Chief Judge Friedman